



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Satoru FUKUOKA et al.**

Art Unit: **1795**

Application No.: **10/669,713**

Examiner: **Alix E. Echelmeyer**

Filed: **September 25, 2003**

Confirmation No.: **6383**

For: **HEAT RESISTANT LITHIUM CELL**

Attorney Docket Number: **031212**

Customer Number: **38834**

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

November 19, 2008

Sir:

In response to the requirement for an election of species dated October 28, 2008, applicants provisionally elect to prosecute the Species wherein the manganese oxide is spinel type lithium manganese oxide (claim 5). It is believed that claims 1, 3-6 and 8-10 read on the elected Species. The applicant reserves the right to file a divisional application on the non-elected claims.

The applicant respectfully requests an early examination on the elected claim and favorable action on the merits. If the Examiner has any questions with this Response, please feel free to call the undersigned at the indicated telephone number.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. If any additional fees are due in connection with this paper, please charge Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111